THE HONOURABLE MR JUSTICE K.C.BHANU

WRIT PETITION No.20451 of 2005

Dated: 16.09.2005

Between:

Ainapalli Satyanarayana and 3 others

…PETITIONERS

And:

The Executive Officer,

The Deity Sri Sitaramachandra Murthy Swamyvaru

Bhupayya Agraharam, Amalapuram Village & Mandal,

East Godavari District, and 3 others

…RESPNDENTS

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ORDER:

Seeking a Mandamus, declaring the action of the respondents in trying to evict the petitioners from the premises bearing D.No.4-2-19, 4-2-18, 4-2-15, 4-2-15/3 respectively, situated in R.D.No.491/6 of SKBR college Road, Amalapuram, East Godavari District, as arbitrary and illegal, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

The learned counsel for the petitioners contended that the respondents are trying to evict the petitioners from the premises in question without any authority and without following due procedure as contemplated under Section 83 of the Endowments Act and therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Endowments contended that the petitioners are claiming title to the property and therefore, the remedy of the petitioners is otherwise.

The relief sought for in the writ petition is to declare the action of the respondents in trying to evict the petitioners from the premises in question as illegal and arbitrary. It

is specifically stated in the affidavit filed in support of the petition that the petitioners are the absolute owners of the premises in question and they have been in continuation possession and enjoyment of the said premises. Since the petitioners are claiming title to the property, the remedy of the petitioners is otherwise.

In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the petitioners to file appropriate application before the Deputy Commissioner under Section 87 of the Endowments Act for their redressal.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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K.C.BHANU,J

Dated: 16.09.2005

Dsr